

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 OIC-04 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

ACDA-19 SY-10 CPR-02 SCA-01 USSS-00 JUSE-00 DRC-01

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R 021935Z NOV 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 731

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS

1. DRAFTING COMMITTEE MET EVENING NOV 1 AND AGREED ON
POINTS RELATING TO ARTICLES 3, 4 AND 5.

2. WITH REGARD TO ARTICLE 3, THE COMMITTEE ACCEPTED FRG
PROPOSAL FOR NEW SECOND PARA OF ARTICLE 3, BUT INSTEAD
DECIDED TO PLACE IT AS SECOND PARA OF ARTICLE 4. RESERVATIONS
MADE BY FRANCE AND COLOMBIA. TEXT FOLLOWS:

"WHENEVER ANY OF THE CRIMES REFERRED TO IN ARTICLE 2
HAS BEEN COMMITTEED AGAINST AN INTERNATIONALLY PROTECTED
PERSON THE STATE PARTY ON WHOSE BEHALF HE EXERCISED HIS
FUNCTIONS MAY OBTAIN WITHOUT DELAY THE FULLEST POSSIBLE
INFORMATION CONCERNING BOTH THE VICTIM AND THE CIRCUMSTANCES
OF THE CRIME FROM ANY OTHER STATE PARTY HAVING SUCH
INFORMATION."

3. AFTER CONSIDERABLE DISCUSSION, PARA 1 OF ARTICLE 5

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REVISED AS FOLLOWS:

"1. UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANT, THE STATE PARTY IN WHOSE TERRITORY THE ALLEGED OFFENDER IS PRESENT SHALL TAKE THE APPROPRIATE MEASURES UNDER ITS INTERNAL LAW SO AS TO ENSURE HIS PRESENCE FOR THE PURPOSE OF PROSECUTION OR EXTRADITION. SUCH MEASURES SHALL BE NOTIFIED WITHOUT DELAY TO: (A) THE STATE WHERE THE CRIME WAS COMMITTED; (B) THE STATE OR STATES OF WHICH THE ALLEGED OFFENDER IS A NATIONAL, OR, IF HE IS A STATELESS PERSON, IN WHOSE TERRITORY HE PERMANENTLY RESIDES; (C) THE STATE OR STATES OF WHICH THE INTERNATIONALLY PROTECTED PERSON CONCERNED IS A NATIONAL OR ON WHOSE BEHALF HE EXERCISED HIS FUNCTIONS; AND (D) ALL OTHER STATES CONCERNED." TUNISIA, FRG, UK, MALI, MEXICO AND KENYA FAVORED INCLUSION OF LANGUAGE "UPON BEING SATISFIED THAT THE CIRCUMSTANCES SO WARRANTED". US AND USSR OBJECTED TO INCLUSION OF THIS LANGUAGE AND MADE RESERVATION. COMMENT: USDEL INTENDS WITHDRAW RESERVATION PRIOR TO SUBMISSION OF DRAFTING COMMITTEE REPORT TO LEGAL COMMITTEE, AS AUTHORIZED IN POSITION PAPER. END COMMENT.

4. DRAFTING COMMITTEE ADOPTED FOLLOWING REVISION OF PARA 2 OF ARTICLE 5:

"2. ANY PERSON REGARDING WHOM THE MEASURES REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE ARE BEING TAKEN SHALL BE ENTITLED TO COMMUNICATE WITHOUT DELAY WITH THE NEAREST APPROPRIATE REPRESENTATIVE OF THE STATE OF WHICH HE IS A NATIONAL OR WHICH IS OTHERWISE ENTITLED TO PROTECT HIS RIGHTS OR, IF HE IS A STATELESS PERSON, WHICH HE REQUESTS AND WHICH IS WILLING TO PROTECT HIS RIGHTS AND TO BE VISITED BY A REPRESENTATIVE OF THAT STATE."
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN04410
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731157/aaaabpzp.tel
Line Count: 94
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 09 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Oct-2001 by shawdg>; APPROVED <11-Dec-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS
TAGS: PINS, UR, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005